

### Remarks

In the Office Action mailed March 8, 2004, the Applicant respectfully requests reconsideration. For further prosecution of this application, the Applicant submits the following remarks. The claims as presented are believed to be in allowable condition.

In the present application, claims 1, 3, 4, 5, 19, 23, 24, 26, 27, 33, 41, 45, 46, 48, 49, 55, 63, and 67 have been amended and new claims 68 and 69 have been added. Claims 1, 3, 4, 5, 24, 26, 27, and 33 have been amended to replace the term "data structure" with the term "array." Claims 46, 48, 49, and 55 have been amended to replace the term "data structure" with term "list." Support for these amendments may be found on page 8, lines 1-3 of the Specification. It is respectfully submitted that these amendments do not change the scope of the claims as originally filed as the terms "data structure," "array," and "list" are described in the Specification as examples of functional data components for providing an interface between an audio alert triggering event, an audio alert, and a device (See page 8, lines 1-4 of the Specification). Claims 19, 23, 41, 45, 63, and 67 have been amended to specify that each of the audio alert triggering events are distinct. Support for these amendments may be found on page 8, lines 7-9. New claims 68 and 69 specify that the distinct audio alert triggering events may include a ringing signal and an electronic mail message. No new matter has been added.

Claims 1-67 are currently pending in the application. Claims 1-4, 7-9, 12, 20, 23-26, 29-31, 34, 42, 45-48, 51, 56, 64, and 67 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shanahan (U.S. Patent 6,496,692). Claims 10, 11, 21, 22, 32, 33, 43, 44, 54, 55, 65, and 66 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan. Claims 6, 28, and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Mäkeläet et al. (U.S. Patent 6,501,967, hereinafter "Mäkeläet"). Claims 13, 15, 35, 37, 57, and

59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Kennedy, III et al. (U.S. Patent 6,535,743, hereinafter "Kennedy"). Claims 14, 36, and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Skorko (U.S. Patent 6,560,466). Claims 16, 38, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Mulla et al. (U.S. Patent 6,311,896, hereinafter "Mulla"). Claims 5, 17, 18, 19, 27, 41, 49, and 61-63 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Mulla and further in view of Lemelson (U.S. Patent 5,945,656).

#### **Claim Rejections - 35 U.S.C. §102**

Claims 1-4, 7-9, 12, 20, 23-26, 29-31, 34, 42, 45-48, 51, 56, 64, and 67 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shanahan. The Shanahan reference discloses a method for programming user-defined information into electronic devices, such as a wireless telephone. According to the method, a user may configure a telephone to play a certain user-defined information file stored in an alerting circuit (figure 7, element 550) when receiving an incoming call. Col. 9, lines 61-67 through Col. 10, lines 1-19.

In contrast, amended claim 1 specifies an array. The array is programmed to detect an occurrence of an audio alert triggering event in a device. The array is also programmed to relate the audio triggering event to the audio alert. When the audio alert triggering event occurs, the array detects the occurrence of the audio alert triggering event and causes the device to emit the audio alert related to the triggering event. Shanahan fails to teach, disclose, or disclose a programmable array for detecting an occurrence of an audio alert triggering event and in response to the triggering event, causing a device to emit an audio alert related to the triggering event. Since Shanahan fails to teach, disclose, or suggest each and every element of amended

claim 1 this claim is allowable and the rejection of this claim under 35 U.S.C. § 102(e) should be withdrawn.

Claims 4, 7-9, and 12 depend from amended independent claim 1 and are thus allowable for at least the same reasons discussed above with respect to amended claim 1 above including the additional recitations cited therein. Claims 20 and 23 depend from independent claim 19. As noted in the Office Action, Shanahan alone, fails to teach, disclose, or suggest each and every element of claim 19. Therefore, Shanahan also fails to teach, disclose, or suggest each and every element of claims 20 and 23 which depend from claim 19. Amended independent claim 24 is directed to similar novel features as amended claim 1 and is thus allowable for at least the same reasons discussed above with respect to claim 1.

Claims 25-26, 29-31, and 34 depend from amended independent claim 24 and are thus allowable for at least the same reasons as amended claim 24 including the additional recitations cited therein. Claims 42 and 45 depend from independent claim 41. As noted in the Office Action, Shanahan alone, fails to teach, disclose, or suggest each and every element of claim 41. Therefore, Shanahan also fails to teach, disclose, or suggest each and every element of claims 42 and 45 which depend from claim 41.

Amended claim 46 is directed to similar novel features as amended claim 1. Amended claim 46 specifies a list. The list is programmed to detect an occurrence of an audio alert triggering event in a device. The list is also programmed to relate the audio triggering event to the audio alert. When the audio alert triggering event occurs, the list detects the occurrence of the audio alert triggering event and causes the device to emit the audio alert related to the triggering event. Shanahan fails to teach, disclose, or disclose a programmable list for detecting an occurrence of an audio alert triggering event and in response to the triggering event, causing a

device to emit an audio alert related to the triggering event. Claims 47-48, 51, and 56 depend from amended independent claim 46 and are thus allowable for at least the same reasons as amended claim 46 including the additional recitations cited therein.

Claims 64 and 67 depend from independent claim 63. As noted in the Office Action, Shanahan alone, fails to teach, disclose, or suggest each and every element of claim 63. Therefore, Shanahan also fails to teach, disclose, or suggest each and every element of claims 64 and 67 which depend from claim 63. Based on the foregoing, the rejections of claims 1-4, 7-9, 12, 20, 23-26, 29-31, 34, 42, 45-48, 51, 56, 64, and 67 under 35 U.S.C. § 102(e) should also be withdrawn.

#### **Claim Rejections - 35 U.S.C. §103**

In the Office Action, Claims 10, 11, 21, 22, 32, 33, 43, 44, 54, 55, 65, and 66 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan. Claims 10-11 depend from amended independent claim 1. As discussed above, Shanahan fails to teach, disclose, or suggest the recitations of amended independent claim 1. Therefore, claims 10-11 are allowable for at least the same reasons as amended claim 1, including the additional recitations cited therein.

Claims 21-22 depend from claim 19. As noted in the Office Action, Shanahan alone, fails to teach, disclose, or suggest each and every element of claim 19. Therefore, Shanahan also fails to teach, disclose, or suggest each and every element of claims 21-22 which depend from claim 19. Claims 32-33 depend from amended independent claim 24. As discussed above, Shanahan fails to teach, disclose, or suggest the recitations of amended independent claim 24. Therefore, claims 32-33 are allowable for at least the same reasons as amended claim 24, including the additional recitations cited therein.

Claims 43-44 depend from claim 41. As noted in the Office Action, Shanahan alone, fails to teach, disclose, or suggest each and every element of claim 41. Therefore, Shanahan also fails to teach, disclose, or suggest each and every element of claims 43-44 which depend from claim 41. Claims 54-55 depend from amended independent claim 46. As discussed above, Shanahan fails to teach, disclose, or suggest the recitations of amended independent claim 46. Therefore, claims 54-55 are allowable for at least the same reasons as amended claim 46, including the additional recitations cited therein.

Claims 65-66 depend from claim 63. As noted in the Office Action, Shanahan alone, fails to teach, disclose, or suggest each and every element of claim 63. Therefore, Shanahan also fails to teach, disclose, or suggest each and every element of claims 65-66 which depend from claim 63. Based on the foregoing, the rejections of claims 10, 11, 21, 22, 32, 33, 43, 44, 54, 55, 65, and 66 under 35 U.S.C. § 103(a) should be withdrawn.

In the Office Action, claims 6, 28, and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Mäkeläet. Claims 6, 28, and 50 depend from amended independent claims 1, 24, and 46 respectively. As discussed above, Shanahan fails to teach, disclose, or suggest the recitations of amended independent claims 1, 24, and 46. Mäkeläet, relied upon to cure the deficiencies of Shanahan, merely discloses the generation of distinct ringing tones for a telephone (column 4, lines 31-65). Mäkeläet, however, fails to teach, disclose, or suggest a programmable array or list for detecting an occurrence of an audio alert triggering event and in response to the triggering event, causing a device to emit an audio alert related to the triggering event as specified in amended independent claims 1, 24, and 46. Since neither Shanahan nor Mäkeläet, alone or in combination, teach, disclose, or suggest the recitations of amended independent claims 1, 24, and 46 these claims are allowable over

Shanahan in view of Mäkeläet. Accordingly, dependent claims 6, 28, and 50 are allowable for at least the same reasons as amended independent claims 1, 24, and 46 including the additional recitations cited therein. Therefore, the rejections of claims 6, 28, and 50 under 35 U.S.C. § 103(a) should be withdrawn.

In the Office Action, claims 13, 15, 35, 37, 57, and 59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Kennedy. Claims 13 and 15 depend from amended independent claim 1, claims 35 and 37 depend from amended independent claim 24, and claims 57 and 59 depend from amended independent claim 46. As discussed above, Shanahan fails to teach, disclose, or suggest the recitations of amended independent claims 1, 24, and 46. Kennedy, relied upon to cure the deficiencies of Shanahan, merely discloses the providing directions using a communication network (column 2, line 58-column 3, line 6). Kennedy, however, fails to teach, disclose, or suggest a programmable array or list for detecting an occurrence of an audio alert triggering event and in response to the triggering event, causing a device to emit an audio alert related to the triggering event as specified in amended independent claims 1, 24, and 46. Since neither Shanahan nor Kennedy, alone or in combination, teach, disclose, or suggest the recitations of amended independent claims 1, 24, and 46 these claims are allowable over Shanahan in view of Kennedy. Accordingly, dependent claims 13, 15, 35, 37, 57, and 59 are allowable for at least the same reasons as amended independent claims 1, 24, and 46 including the additional recitations cited therein. Therefore, the rejections of claims 13, 15, 35, 37, 57, and 59 under 35 U.S.C. § 103(a) should be withdrawn.

In the Office Action, claims 14, 36, and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Skorko. Claims 14, 36, and 58 depend from amended independent claims 1, 24, and 46 respectively. As discussed above, Shanahan fails to teach,

disclose, or suggest the recitations of amended independent claims 1, 24, and 46. Skorko, relied upon to cure the deficiencies of Shanahan, merely discloses modulating the volume of a ring tone based on the distance of a body from the phone (column 1, lines 25-63). Skorko, however, fails to teach, disclose, or suggest a programmable array or list for detecting an occurrence of an audio alert triggering event and in response to the triggering event, causing a device to emit an audio alert related to the triggering event as specified in amended independent claims 1, 24, and 46. Since neither Shanahan nor Skorko, alone or in combination, teach, disclose, or suggest the recitations of amended independent claims 1, 24, and 46 these claims are allowable over Shanahan in view of Skorko. Accordingly, dependent claims 14, 36, and 58 are allowable for at least the same reasons as amended independent claims 1, 24, and 46 including the additional recitations cited therein. Therefore, the rejections of claims 14, 36, and 58 under 35 U.S.C. § 103(a) should be withdrawn.

In the Office Action, claims 16, 38, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Mulla. Claims 16, 38, and 60 depend from amended independent claims 1, 24, and 46 respectively. As discussed above, Shanahan fails to teach, disclose, or suggest the recitations of amended independent claims 1, 24, and 46. Mulla, relied upon to cure the deficiencies of Shanahan, merely discloses the integration of a bar code scanner into a cellular telephone (column 12, lines 14-18 and column 9, lines 61-65). Mulla, however, fails to teach, disclose, or suggest a programmable array or list for detecting an occurrence of an audio alert triggering event and in response to the triggering event, causing a device to emit an audio alert related to the triggering event as specified in amended independent claims 1, 24, and 46. Since neither Shanahan nor Mulla, alone or in combination, teach, disclose, or suggest the recitations of amended independent claims 1, 24, and 46 these claims are allowable over

Shanahan in view of Mulla. Accordingly, dependent claims 16, 38, and 60 are allowable for at least the same reasons as amended independent claims 1, 24, and 46 including the additional recitations cited therein. Therefore, the rejections of claims 16, 38, and 60 under 35 U.S.C. § 103(a) should be withdrawn.

In the Office Action, claims 5, 17, 18, 19, 27, 41, 49, and 61-63 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanahan in view of Mulla and further in view of Lemelson. Claims 5, 17, and 18 depend from amended independent claim 1. Claim 27 depends from amended independent claim 24. Claims 49 and 61-62 depend from amended independent claim 46. As discussed above, both Shanahan and Mulla fail to teach, disclose, or suggest the recitations of amended independent claims 1, 24, and 46. Lemelson, relied upon to cure the deficiencies of Shanahan and Mulla, merely discloses the generation of audio-based product information with respect to a scanned bar code (column 7, lines 20-36). Lemelson, however, fails to teach, disclose, or suggest a programmable array or list for detecting an occurrence of an audio alert triggering event and in response to the triggering event, causing a device to emit an audio alert related to the triggering event as specified in amended independent claims 1, 24, and 46. Since neither Shanahan, Mulla, nor Lemelson, alone or in combination, teach, disclose, or suggest the recitations of amended independent claims 1, 24, and 46 these claims are allowable over Shanahan in view of Mulla and further in view of Lemelson. Accordingly, dependent claims 5, 17, 18, 27, 49, and 61-62 are allowable for at least the same reasons as amended independent claims 1, 24, and 46 including the additional recitations cited therein.

Amended independent claim 41 specifies a plurality of data structures stored in a device. Each data structure is programmed by a user to detect the occurrence of one of a plurality of distinct audio alert triggering events and relate the triggering event to an audio alert. When a



distinct triggering event occurs, the data structure is programmed to cause the device to emit the audio alert related to the triggering event. As discussed above, neither Shanahan, Mulla, nor Lemelson, alone or in combination, teaches, discloses, or suggests detecting and emitting audio alerts in response to a plurality of distinct triggering events. Therefore, amended independent claim 41 is allowable and the rejection of this claim under 35 U.S.C. § 103(a) should be withdrawn. Amended independent claim 63 is directed to similar novel features as amended independent claim 41 and is thus allowable for at least the same reasons discussed above with respect to claim 41. Therefore, the rejection of claim 63 under 35 U.S.C. § 103(a) should be withdrawn.

#### **New Claims**

New claims 68-69 depend from amended independent claim 63. Amended independent claim 63 is allowable for the reasons discussed above. Therefore dependent claims 68-69 are allowable for at least the same reasons as amended independent claim 63 including the additional recitations cited therein.

#### **Conclusion**



In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after

this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,

MERCHANT & GOULD

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